

REMARKS

Applicants submitted an Amendment, in response to the Examiner's Office Action of June 5, 2003, on Nov. 1, 2003. In response to the Nov. 1 Amendment, the Examiner mailed an Office Action dated Feb. 20, 2004.

The Feb. 20, 2004 Office Action stated that applicants' Nov. 1 Amendment is not fully responsive because the changes to the specification and drawings do not fully comply with 37 CFR 1.173 (b-d). The Feb. 20, 2004 Office Action also objected to the Nov. 1 Amendment as introducing new matter.

The identification "Amended" has been added to Figures 1-4 (because the phrase "Prior Art" has been added), while the identification "New" has been added to the newly formalized "ADDITIONAL DRAWINGS." All text added to the formal specification has been underlined. With these changes, based upon applicant's discussion with Special Program Examiner Hien Phan, applicants believe the present Amendment is fully in compliance with 37 CFR 1.173 (b-d).

Regarding the new matter objection, applicants note that this case has been discussed with the Office of Patent Legal Administration (OPLA) and that OPLA agrees with applicants that a new matter objection is not applicable.

Claim Status and Support

Claims 1-34 were pending in this application as of the Examiner's Office Action to which this Amendment is responsive. Claims 1-22 were part of the parent case to the reissue application. Where unchanged from the parent case, such claims are given the status "original to parent." Where changed by the present Amendment, such claims are given the status "original to parent, currently amended." Claims 23-34 were added upon filing of the reissue application. All of these claims are unchanged and are given the status "original to reissue application." Claims 35-40 have been added with the present Amendment and are given the status "new."

Claims 1-3, 7-9, 11, 15-24, 27, 28, 31 and 32 have been allowed. Claims 6, 10, 12-14, 25, 26, 29, 30, 33 and 34 are objected to. Claims 4 and 5 are rejected.

Explanation of the support for all claim changes is included below as part of the responses to the Examiner's Office Action of June 5, 2003.

The below remarks are organized according to the section headings of the Examiner's Detailed Action of June 5, 2003.

Information Disclosure Statement

Regarding Appendices A and B of the present application, applicants respectfully disagree with the Examiner that such Appendices constitute an improper information disclosure statement. Applicants note that the sheets constituting Appendices A and B were submitted with the formal specification at the time of filing of the original application (on May 12, 1995), upon which the 5,764,951 patent is based, and at the time of filing of the reissue application (on June 8, 2000). Furthermore, Appendices A and B are incorporated by reference.

With the above amendments of "ADDITONAL DRAWINGS" and "IN THE SPECIFICATION," applicants have herein reformatted Appendices A and B, while adding no new matter, such that they are now part of the formal specification and drawings.

Drawings

With the above amendments of "REPLACEMENT DRAWINGS," applicants have fully responded to the objections of the PTO-948, Notice of Draftsperson's Patent Drawing Review, and to the Examiner's objection regarding Figures 1-4.

Specification

With the first above amendment of "IN THE SPECIFICATION," applicants have fully responded to the Examiner's objection regarding the specification.

With regard to the Examiner's objection to the title of the invention as not being descriptive, applicants note that in accordance with MPEP 606.01, if making such an objection, the Examiner should suggest an alternative title in accordance with paragraph 6.11.01.

Since applicants consider the current title descriptive, and since applicants are desirous of an expeditious resolution to this issue, applicants respectfully request from the Examiner a suggested alternative title, in accordance with the MPEP, to provide the applicants with guidance as to the aspects of the present title regarded as insufficiently descriptive by the Examiner.

Claim Objections

Applicants have amended claims 4, 5 and 6 to clarify their dependence upon claim 2.

Regarding the Examiner's objections to claims 4 and 5, applicants respectfully submit that anyone of ordinary skill in the art of hardware description languages, upon considering claims 2 and 4-6, would understand the phrase "wait statement" as referring descriptively to hardware description language statements that wait for a synchronization event (with the synchronization event typically being a clock signal),

and would also understand the phrase "VHDL 'wait' statement" as referring to a particular statement of the VHDL language. The presence of statements that wait for a synchronization event is (in general) one of the fundamental characteristics indicating that a programming language is designed (primarily) for hardware design.

Such descriptive use of the word "wait" is plain from the application itself. For example, page 25, lines 8-13, describe a "wait node" as being representative of a Verilog "posedge" or a VHDL "wait" statement.

Applicants respectfully point out that use of a descriptive term of art as a keyword in a programming language does not preclude the descriptive use of the term. For example, the word "loop" is a keyword in the programming language Microsoft Visual Basic. This keyword usage of the word "loop" does not preclude the word's usage as a descriptive term for iterative computation structures.

Regarding claims 10, 12, 13 and 14, applicants have corrected the minor typographical errors pointed out by the Examiner.

Regarding the Examiner's objection to claims 25, 26, 29, 30, 33 and 34, applicants respond similarly as they have responded to the objection to claims 4 and 5: anyone of ordinary skill in the art of hardware description languages, in considering claims 23-34, would understand the phrase "wait statement" as referring descriptively to hardware description language statements that wait for a synchronization event (with the synchronization event typically being a clock signal), and would also understand the phrase "VHDL wait statement" as referring to a particular statement of the VHDL language.

Claim Rejections – 35 USC § 112 ¶ 2

Regarding the Examiner's rejection of claims 4 and 5, applicants submit the same response as has been submitted above for the objection to claims 4 and 5: anyone of ordinary skill in the art of hardware description languages, upon considering claims 2 and 4-6, would understand the phrase "wait statement" as referring descriptively to hardware description language statements that wait for a synchronization event (with the synchronization event typically being a clock signal), and would also understand the phrase "VHDL 'wait' statement" as referring to a particular statement of the VHDL language.

New Claims

New claims 35-40 correspond to, respectively, claims 2, 20, 22, 23, 27 and 31, except that "wait statements" has been replaced by "clock statements." Claim 36 also differs from claim 20 by being dependent upon claim 18 rather than claim 19. Support for the phrase "clock statement" includes Appendix B, Section 2.0 ("Basic assumptions"), lines 4-6 (as formatted in the present Amendment). As discussed above, with the specification amendments of the present Amendment, Appendix B is now part of the formal application. Lines 4-6, of Section 2.0 of Appendix B, can be


found on page 29 of the present Amendment, where the first line of text below the Section 2.0 heading ("Basic assumptions") is counted as line 1 and each successive line of text is given an incrementally higher line number.

Summary

Applicants respectfully submit that all objections and rejections have been traversed and request a Notice of Allowance.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 502584 referencing docket number 06816.0010.

Respectfully submitted,

A handwritten signature in black ink that reads "Jonathan T. Kaplan". The signature is written in a cursive, flowing style.

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